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EXAMINER

QM12/0420

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ART UNIT

PAPER NUMBER

3728

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Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Claim Rejections - 35 USC § 112

1. Claims 20-21 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. If the base film is made out of one of polyamide and polyethylene material, applicant should insert the word "consisting" between "group" and "of" to provide the proper markush group.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

3. Claims 16 and 18 are rejected under 35 U.S.C. 102(b) as being anticipated by Applezweig (US 3,409,721). Applezweig discloses a plurality of compartments formed by two flexible sheets of materials. The area between adjacent compartments is sealed. The films are made out of polyethylene and the article is retrievable by punching one of the flexible layers.

4. Claims 16 and 18 are rejected under 35 U.S.C. 102(b) as being anticipated by Roulin et al (US 5,695,063). Roulin et al disclose two flexible film materials that is sealed at reference

element 11 as shown in Figures 1A-1C to form a plurality of compartments. The cover sheet is torn by finger pressure.

5. Claim 18 is rejected under 35 U.S.C. 102(e) as being anticipated by Grabowski (US 5,954,204). Grabowski discloses a blister package comprising a flexible cover and a flexible base. The cover is torn by finger pressure.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 17 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Applezweig in view of Roulin et al and Troll et al or Gregory et al (US 4,305,502). Applezweig discloses all of the elements, but lacks the convex shaped compartment as recited in claims 17 and 19. However, Roulin et al suggest providing a flexible compartment with a predetermined shape to store the intended article. Troll et al suggest providing, for example only, a convex shaped compartment with a lid sheet thereover. Gregory et al also teach a compartmented package with convex shaped base layer. Hence, it would have been obvious in view of Roulin et al and Troll et al or Gregory et al to provide a convex shaped compartment for the base sheet of Applezweig to conform to the shape of the intended article.

8. Claims 17 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Roulin et al in view of Troll et al or Gregory et al. Roulin et al disclose all of the elements, but lacks the

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convex shaped compartment as recited in claims 17 and 19. However, Troll et al suggest providing, for example only, a convex shaped compartment with a lid sheet thereover. Gregory et al also teach a compartmented package with convex shaped base layer. Hence, it would have been obvious in view of Roulin et al and Troll et al or Gregory et al to provide a convex shaped compartment for the base sheet of Applezweig to conform to the shape of the intended article.

9. Claims 20-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over the references applied above with respect to claim 18, further in view of Official Notice.

Applezweig does not suggest using paper as the covering film. However, it is conventional to use paper on a compartmented package for recycling purpose. It would have been obvious in view of Official Notice to use paper as the base layer for the package of Applezweig.

10. Claims 20-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over the references applied above with respect to claim 18, further in view of Official Notice. Roulin et al does not suggest using paper as the covering film. However, it is conventional to use paper on a compartmented package for recycling purpose. It would have been obvious in view of Official Notice to use paper as the base layer for the package of Roulin et al.

Conclusion

11. Telephone inquiries regarding the status of applications or other general questions, by persons entitled to the information, should be directed to the group clerical personnel and not to the examiners. In as much as the official records and applications are located in the clerical section of the examining groups, the clerical personnel can readily provide status information without contacting the examiners, M.P.E.P. 203.08. The Group clerical receptionist number is

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(703) 308-1148.

If in receiving this Office Action it is apparent to applicant that certain documents are missing, e.g., copies of references cited, form PTO-1449, form PTO-892, etc., requests for copies of such papers should be directed to Valerie Douglas at (703)308-1337.

For applicant's convenience, the Group Technological Center FAX number is (703) 305-3579 or (703)305-3580. This practice may be used for filing papers not requiring a fee. It may also be used for filing papers which require a fee by applicants who authorize charges to a PTO deposit account. Please identify Examiner Luong of Art Unit 3728 at the top of your cover sheet of any correspondence submitted.

Inquiries concerning the merits of the examination should be directed to Shian Luong whose telephone number is (703) 308-2039.

STL

April 13, 2001

Patent Examiner


Shian Luong